THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18118 of 1994

DATE: 23-3-2006

Between:

A.Ramakrishna ….. Petitioner

And

The Divisional Electrical Engineer,

APSEB, Operations, Hindupur Respondent

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.18118 of 1994

ORAL ORDER:

Questioning the action of the respondents in not issuing him appointment order as a Helper, the present writ petition is filed.

Facts to the extent necessary are that the petitioner claims to have worked as casual labour during the period from 25.1.1981 to 20.12.1981 for a period of 240 days under the control of the Additional Assistant Engineer, Operations, Mudigubba. He received memo dated 31.7.1986 asking him to appear for the interview on 12.8.1986. Petitioner's name was at Sl.No.23 in the annexure enclosed to the Memo and accordingly he appeared for the interview. Since he did not hear from the respondent, the petitioner claims to have personally approached the office of the respondent and to have been informed that all those who have been selected were informed of their posting and since he did not receive any intimation, he should presume that he was not selected. On coming to know much later of certain fraudulent appointments made by the respondents, the petitioner claims to have secured a copy of the Memo dated 27.7.1989 wherein he was shown to have been selected as a Helper and posted to Tammalabanda. On enquiry, it came to light that another person by the very same name A.Ramakrishna had been appointed as a Helper. The petitioner got issued legal notice dated 15.11.1993 and in reply thereto, vide letter dated 6.12.1993, he was asked to send documentary evidence substantiating his claim. The petitioner is said to have forwarded his identity certificate vide proceedings dated 27.7.1989. He is also said to have submitted a representation on 16.12.1993. Contending that somebody else had been given appointment in his name, the present writ petition came to be filed.

Respondents in their counter affidavit would submit that the minimum age prescribed for appointment to the post of Helper is 25 years and the petitioner

was over aged to be considered for the post of Helper by 1.1.1981 itself and he was therefore not selected. Respondents would state that the proceedings dated 27.7.1989 has no connection with the petitioner, since it relates to the interviews held at Anantapur and merely because one candidate by name A.Ramakrishna was selected, the petitioner was trying to seek undue advantage thereof. Respondents would submit that the person selected on 22.5.1989 is a different A.Ramakrishna and it is the petitioner who is seeking to be appointed in the place of the actual A.Ramakrishna. It is stated that pursuant to the representation made by the petitioner, a show cause notice was issued on 15.1.1994 to Sri A.Ramakrishna, the person working at Jammalabanda. Respondents would, however, state that the petitioner, in any event, is not entitled to be selected, in view of the fact that he is overaged as on the date of initial appointment and that he has not chosen to challenge his non-selection for over 8 years.

Sri Samineni Kishore, learned Standing Counsel for the respondent, on instructions, would state that the original bio data sheet of the other A.Ramakrishna, who attended the interview on 22.5.1989, was verified and it was found that the person who attended the interview on 22.5.1989 was genuine. Since the respondents, on verification, found that the appointment made on 22.5.1989 to another person by the very same name 'A.Ramakrishna' was in order and since the petitioner is not eligible for appointment, and the other A.Ramakrishna was not appointed in his place, the relief sought for in this writ petition cannot be granted.

The writ petition fails and is accordingly dismissed.

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23.3.1996

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